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REMARKS

The Examiner is thanked for his careful and very thorough Office Action. Claims 1-5, 9-12, 14-19, and 23-26 currently stand rejected. Examiner is thanked for the allowance of claims 6-8, 13, 20-22, and 27. These claims are amended to include all limitations of their base claims, and are now believed to be in condition for allowance.

All claim rejections are hereby traversed. Applicant respectfully requests reconsideration of the claims, based on the arguments presented below.

Examiner has rejected claim 1 over Lee, USPN 6658167. Claim 1 is reproduced for purposes of discussion.

1.   An image display system, comprising:

a visual server having image processing capabilities wherein the visual server is configured to selectively receive image-modifying data corresponding to a generated image, generate a modified image based upon the image-modifying data, and transmit the modified image as compressed data; and

at least one client in selective communication with the visual server, the client including an image display, the client configured to further selectively generate image-modifying data and transmit the image-modifying data to the visual server, and the client receives as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompresses the compressed image data, and displays the decompressed image on the client image display.

1.   **In response to arguments made previously**

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In responding to previous arguments, Examiner says in part,

> The term "configured to" is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Examiner also objects to claim 1 based on these grounds.

Applicant respectfully submits that the term 'configured to' is a positive limitation, in that it describes an apparatus (or a method) with the capability in the body of the claim to perform certain actions or functions. Applicant notes several patents with the language, "configured to" in them, for example, US 7,131,999 B2. Examiner also states regarding the term "configured to" that, "it has been held that the recitation that an element "is configured to" perform a function is not a positive limitation but only requires the ability to so perform."

First, this statement seems to agree that the limitation "is configured to" does in fact "require" (as examiner states) an ability to perform a given function. This appears to Applicant to be a positive limitation, as it "requires" the apparatus or method to have certain aspects.

Second, Applicant notes that Examiner says it has been held--yet Examiner provides no support nor points to any particular holding to this effect. Applicant respectfully requests Examiner to point out the support for this rejection with particularity.

2.   Rejection of claim 1, et al.

In rejecting claim 1, Examiner states in part:

> Lee teaches an image display system...wherein the visual server is configured to selectively receive image-modifying data corresponding to a generated image (fig. 2; col. 3, lines 9-17....)

However, Applicant notes that figure 2 of Lee only describes "modifying data to optimize data for its intended use on the client application,"

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and does not teach or suggest the use of image modifying data. The term "image modifying data" has been defined in the present application.

For example, at the summary, line 10 states,

> The lcients are in selective communication with the visual server, and each client selectively generates image-modifying data corresponding to the image resident on the image display of that specific client. The client selectively transmits the image-modifying data to the visual server, and the client then receives...

This passage demonstrates that "image-modifying data" must correspond to an image. This language is also used in the claims.

Image-modifying data and image processing are described in the present application, for example, in the description of related art:

> Computer generated images are created in a series of several steps: modeling, or describing the objects in mathematical terms; animation, or describing how the objects move over time; and rendering, or determining which of the images defined by the modeling and animation programs are visible on the screen for every frame, assigning colors to those images, and drawing them.

Hence, "image-modifying data" is data associated with these or related functions, used to create or change images generated in the computer system.

Lee does not describe modeling, animation, or rendering. Lee is concerned with proper formatting and use of data on a client computer. It is concerned also with modifying data in compliance with a client's capabilities. For example, Lee's abstract states in part:

> The steps for implementing the present invention include: transmitting information to the server computer from the client computer, wherein the transmitted information defines the intended use of data in the client application stored on the client computer; based on the transmitted

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information, modifying the data to optimize the data for its intended use by the client application, wherein such modification is performed by the server computer before transmitting the modified data to the client application.

Hence, Applicant respectfully submits that Lee does not teach or suggest "image-modifying data" as that term is defined in the present application. Instead, Lee optimizes data for a particular client use. Lee does not mention rendering, animation, or modeling, as the term "image-modifying" is defined in the present application. Because of this definition of the term "image-modifying" in the present application, it is respectfully submitted that one of ordinary skill in the art would not have been taught to create the present limitations of claim 1 by referring to the teaching of Lee.

Examiner also states, at page 3,

> In fact, it appears that Applicants are interpreting the claims very narrow without considering the broad teaching of the reference used in the rejection.

However, Applicant is interpreting the claims consistent with definitions in the specification. Applicant can be his own lexicographer, and Applicant has defined the term "image-modifying" and "image-modifying data" in the specification. This definition informs interpretation of the claim scope. Hence, Applicant's interpretation of the claims is consistent with the specification and is not overly narrow.

Applicant respectfully submits that one of ordinary skill in the art, upon reading Lee, would therefore not have been taught the limitations of at least claim 1 of the present application. Favorable reconsideration of the claims is respectfully requested.

It is respectfully submitted that the other independent claims, namely claims 9, 14, and 23, also include the term "image-modifying data" and interpretation of their scope is informed by the above-presented arguments.

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Therefore, all independent claims have been addressed, and are hereby respectfully believed allowable. Likewise, because of their dependence on allowable claims, all dependent claims are hereby believed allowable. Favorable reconsideration is respectfully requested.

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Conclusion

Thus, all grounds of rejection and/or objection are traversed or accommodated, and favorable reconsideration and allowance are respectfully requested. <u>The Examiner is requested to telephone the undersigned attorney or Robert Groover for an interview to resolve any remaining issues.</u>

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Respectfully submitted,

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